

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1-10 are currently pending. In the Office Action, claim 2 is rejected under 35 U.S.C. section 112, second paragraph. Claims 1, 4, 5 and 7-10 are rejected under 35 U.S.C. section 102(e) as being anticipated by U.S. Patent No. 6,320,668 to Kim (hereinafter "Kim"). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. Patent 6,281,984 to Decker *et al.* (hereinafter "Decker"). Also, claim 6 is rejected under 35 U.S.C. section 103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,480,299 to Drakopoulos *et al.* (hereinafter "Drakopoulos").

Applicants herein amend claims 1, 2 and 4. Applicants submit that no new matter has been added. Claims 1 and 2 are amended as described below. Claim 4 is amended to correct an inadvertent typographical error.

I. Section 112 Rejection of Claim 2

In the Office Action, claim 2 is rejected under 35 U.S.C. section 112, paragraph two, as being indefinite for failing to define the variables recited therein. Accordingly, Applicants have herein amended claim 2, to recite definitions for the applicable variables.

II. Section 102 Rejection of Claim 1

Applicants respectfully traverse the rejection of claim 1 as being anticipated under section 102(e) by Kim. Applicants have herein amended claim 1 to recite

that, “the scanning is performed with a calibrated scanner.” Applicants submit that Kim fails to teach at least this feature.

Kim teaches a color correction apparatus and method that utilize a test pattern (10) to calibrate an electric conversion unit (20) or scanner. (See Kim at col. 11, ll. 50-53, Fig. 3.) The test pattern (10) includes a plurality of colors with known reference data describing each color. The known reference data is found using a densitometer for achromatic color and a colorimeter for chromatic color. (See Kim at col. 12, ll. 34-41.) According to Kim, the test pattern (10) is scanned by the electric conversion unit (20) or scanner to generate scanning data. (See Kim at col. 14, ll. 9-15, col. 16, ll. 8-14, Figs. 4-5.) Then the scanning data is compared to the reference data to generate a color correction coefficient matrix. (See Kim at col. 14, ll. 16-26.) The color correction coefficient matrix is then applied to raw scanning data to generate scanning results. (See Kim at col. 14, ll. 27-34.) Applicants submit that this is nothing more than calibrating an electric conversion unit (20) or scanner to a known standard.

In contrast to Kim, claim 1, as amended, recites, “a method of producing compensation transforms,” where a scanning step, “is performed with a calibrated scanner.” Applicants submit that the methods taught by Kim are the calibration of a scanner. Kim clearly fails to teach performing its methods on a scanner that is already calibrated. Further, because Kim teaches a calibration method, performing the methods of Kim on a scanner that is already calibrated would be redundant.

Applicants further submit that the presently claimed invention provides certain advantages over Kim. For example, because the claimed compensation transforms are produced on a calibrated scanner, they may be suitable for use with

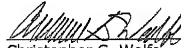
other scanners, not just the scanner on which they were developed. As a result, some compensation transforms may be developed at the factory and made available to users as a software package or from the Internet. (See Specification at ¶¶ 120, 113.)

Applicants submit that Decker and Drakopoulos fail to remedy the defects of Kim. Accordingly, Applicants submit that claim 1, and claims 2-10 that depend directly or indirectly from claim 1 are patentable the cited references. In addition to the present remarks, however, Applicants reserve the right to make supplemental arguments as may be necessary, because the dependent claims of the present application include additional features that further distinguish the claims from the cited references. A detailed discussion of these distinctions is believed to be unnecessary at this time, however, in view of the basic distinctions identified above with respect to the independent claims.

CONCLUSION

Applicants believe that no fee is required for consideration of this AMENDMENT AND RESPONSE TO OFFICE ACTION. Nonetheless, Applicants authorize the office to charge Deposit Account 11-1110 for any fee deficiency. Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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